

EN BANC

[A.M. No. 2010-11-SC, March 15, 2011]

**RE: EMPLOYEES INCURRING HABITUAL TARDINESS IN THE
SECOND SEMESTER OF 2009**

D E C I S I O N**BERSAMIN, J.:**

Employees of the Judiciary should observe punctuality in reporting to work. Tardiness, if habitual, prejudices the efficiency of the service being rendered by the Judiciary to the people, and cannot be tolerated. Thus, we sanction certain administrative employees of the Court for their habitual tardiness.

This administrative matter emanated from the reports dated June 16, 2010 and June 17, 2010 made by the Leave Division under the Office of Administrative Services (OAS) to the Complaints and Investigation Division, also under the OAS, to the effect that the following employees had been habitually tardy in the second semester of 2009, *viz*:

Names	No. of times Reported Tardy for the 2 nd Semester of 2009					
	Jul	Aug	Sept	Oct	Nov	Dec
1. Mr. Marc Reman A. Bessat Computer Maintenance Technologist III Systems Planning & Project Evaluation Division, MISO	10			10		
2. Mr. Melquiades A. Briones Clerk III Office of the Clerk of Court, En Banc	14	15				
3. Mr. Benjie B. Cajandig Judicial Staff Assistant II Mediation Planning & Research Division PHILJA	12		10	12		
4. Ms. Sherrylyn A. Nate-Cruz Fiscal Clerk II Finance Division, FMBO	10			10		
5. Mr. Florentino A. Pascual			10	11		

Human Resource Management Officer II Personnel Division, OAS-OCA						
6. Mr. Albert C. Semilla Computer Operator III Records Division Office of the Chief Attorney			12		10	
7. Ms. Jolina Pauline T. Tuazon Executive Assistant II Publication Division, PIO			11	11		
8. Mary Jingle M. Villocero Court Stenographer III Judicial Supervision & Monitoring Division, CMO-OCA	11			10		

On July 5, 2010, the OAS directed the concerned employees to explain in writing why no administrative disciplinary action should be taken against them for their habitual tardiness during the covered period, which habitual tardiness was in violation of Civil Service Commission (CSC) Memorandum Circular No. 04, Series of 1991, viz:

An employee shall be considered habitually tardy if he incurs tardiness, regardless of the number of minutes, ten (10) times a month for at least two (2) months in a semester or at least two (2) consecutive months during the year. xxx

The concerned employees subsequently rendered their respective explanations, which the OAS summarized thuswise:^[1]

A. Employees previously penalized for habitual tardiness:

1. **Mr. ALBERT C. SEMILLA** - He was tardy for twelve (12) times in the month of September and ten (10) times in the month of November. In his explanation dated July 9, 2010, Mr. Semilla readily admitted having incurred those tardiness and humbly submitted to any disciplinary action for the offense. He stated that due to financial difficulties, he reports to work and likewise returns home through his bicycle. He supports his family as a solo parent and even enrolled in a short course for Medical Transcriptionists in an attempt to improve their plight. He added that in the summer of 2009, his blood pressure started to rise abnormally. It was the cause why he was rushed to the hospital twice. Since May 2009, he was under the care of the SC Clinic for *Benign Prostatic Hyperthropy*, which ailment caused him many sleepless nights.

As shown by the records, this is Mr. Semilla's fourth incursion of habitual tardiness. He was REPRIMANDED for his first incursion of the offense pursuant to the Court *En Banc* resolution dated August 8, 2000 in A.M. No. 00-6-09-SC, Re: Imposition of Corresponding Penalties to Employees Committing Habitual Tardiness; SUSPENDED for five (5) days for committing habitual tardiness for the second time pursuant to A.M. No. 00-6-09-SC dated November 27, 2002, Re: Imposition of Corresponding Penalties for Habitual Tardiness committed during the Second Semester of 2000; and SUSPENDED for ten (10) days for committing the same offense for the third time pursuant to A.M. No. 00-06-09-SC dated March 16, 2004, Re: Imposition of Corresponding Penalties for Habitual Tardiness committed during the 1st and 2nd Semester of 2003.

His service records show that Mr. Semilla entered the government service in the Supreme Court as Messenger on November 7, 1979. He was promoted as Clerk on July 1, 1983, Clerk III on July 1, 1989, and Computer Operator III on October 17, 2006, the position he is holding at present. His performance ratings for the 1st and 2nd semesters of the year 2009 show that he performed his work very satisfactorily. Since 2003, this is the only time again that he has incurred tardiness.

2. **Mr. FLORENTINO A. PASCUAL** - He was tardy for ten (10) times in the month of September and eleven (11) times in the month of October. In his letter dated July 7, 2010, he explained that his tardiness was caused by his unstable blood pressure and the traffic situation. He manifested that to the best of his ability, he will try to be punctual despite his present health condition caused by a mild stroke.

As shown by the records, this is Mr. Pascual's second incursion of habitual tardiness. He was REPRIMANDED for his first incursion of the offense pursuant to the Court *En Banc* Resolution dated March 16, 2004 in A.M. No. 00-06-09-SC, Re: Habitual Tardiness for the 1st and 2nd Semester of 2003.

B. Employees incurring habitual tardiness for the first time:

1. **Mr. MARC REMAN A. BESSAT** - He was tardy for ten (10) times each for the months of July and October. In his explanation dated July 9, 2010, he stated that during the said period, he experienced abdominal cramping, bloating, gassiness and painful bowel habits, especially on mornings. He claimed that he consulted a Gastroenterologist on March 2010 and was diagnosed with Internal Hemorrhoids. He promised to do everything to improve his time of arrival.

2. **Mr. MELQUIADES A. BRIONES** - He was tardy for fourteen (14) times in the month of July and fifteen (15) times in the month of August. In his letter dated July 6, 2010, Mr. Briones explained that during those times, he was the only one who could manage to accompany his son in going to school and was always caught in traffic. His wife could not replace him in accompanying their son to school because she has fatal diabetes and could hardly move and travel far. He added that during the said period, he was also having his medication concerning his allergies in both hands and feet.
3. **Mr. BENJIE B. CAJANDIG** - He was tardy for twelve (12) times each in the months of July and October, and ten (10) times in the month of October. In his letter dated July 7, 2010, Mr. Cajandig explained that his tardiness was mostly due to the distance of his residence from the office and due to heavy traffic which he encounters when traveling from Marcos Highway to the LRT 2 Santolan Station. He averred that this was aggravated during the rainy season since most of his tardiness were incurred during those months. He manifested that he will do his best to address his tardiness.
4. **Ms. SHERRYLYN A. NATE-CRUZ** - She was tardy for ten (10) times each in the months of July and October. In her letter dated July 6, 2010, Ms. Cruz explained that due to the alarming increase in her blood sugar during those days, she was required to have a regular medical checkup that resulted to her tardiness in reporting for work. She added that at present, she is six (6) months pregnant on her second child and has pre-gestational diabetes. But she said she will try her best not to be late for work.
5. **Ms. JOLINA PAULINE T. TUAZON** - She was tardy for eleven (11) times each in the months of September and October. In her letter dated July 8, 2010, she explained that during the said period, she was preparing for an entrance examination scheduled for November aside from the reviews she had in the evening. Thus during the months of September and October, she had been going home late which at times caused her to be late for work the next day. She expressed regret in committing the offense and promised to avoid the same violation.
6. **Ms. MARY JINGLE M. VILLOCERO** - She was tardy for eleven (11) times in the month of July and ten (10) times in the month of October. In her explanation dated July 8, 2010, Ms. Villocero stated that her tardiness was caused by the fact that she has three (3) children and without any maid to assist her in taking care of them. Her husband is under medication with anti-depressant, thus, she sometimes cannot compel him to take care of everything and attend to all her children's needs. She averred that she is also a working student with classes during Saturdays and Sundays, and has been working hard for the advancement of her career. She added that she has been trying her best to meet her duties and obligations, both as a responsible employee of the judiciary and as